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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,902	12/20/2001	Rakesh Kushwaha	19527.0004	3452
23517 7590 02/06/2007 BINGHAM MCCUTCHEN LLP 3000 K STREET, NW BOX 1P WASHINGTON, DC 20007			EXAMINER MIRZA, ADNAN M	
			ART UNIT	PAPER NUMBER
			2145	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/022,902

Applicant(s)

KUSHWAHA ET AL.

Examiner

Adnan M. Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over NyKanen et al (U.S. 6,574,678) and further in view of Chen et al (20050089052).

As per claims 1,24,44,65 NyKanen-Chen disclosed method for remotely managing a wireless device over a telecommunications network comprising a server and the wireless device, the method comprising the steps of establishing a communicative connection between the server and the wireless device over a signaling channel of the telecommunications network (col. 5, lines 30-46); transmitting a command from the server to the wireless device over the signaling network (col.5, lines 49-61);

However NyKanen did not disclose in detail the executing the command at the wireless device after verifying at the wireless device the signature of the command and signature of the device is in agreement.

In the same field of endeavor Chen disclosed security module also contains a security server creates and manages dynamic per session security keys (e.g. encryption keys) each time user

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desires a login. The security server also authenticates users by distributing and managing their individual security certificates (e.g., digital certificates) (Page. 15, Paragraph. 0223). The integrated secure gateway system includes a wireless gateway interface for initializing wireless and wired broadband communications, for providing gateway, routing and bridging for wireless and wired broadband networking, communications (Page. 15, Paragraph. 0231).

It would have been obvious to one ordinary skill in the art was made to have incorporated security module also contains a security server creates and manages dynamic per session security keys (e.g. encryption keys) each time user desires a login. The security server also authenticates users by distributing and managing their individual security certificates (e.g., digital certificates). The integrated secure gateway system includes a wireless gateway interface for initializing wireless and wired broadband communications, for providing gateway, routing and bridging for wireless and wired broadband networking, communications as taught by NyKanen in the method of Chen to provide efficient wireless broadband communication network using local area network.

3. As per claims 2,25,45,66 NyKanen-Chen disclosed wherein the signaling channel of the telecommunications network comprises a Common Channel Signaling System channel (NyKanen, col. 1, lines 15-21).

4. As per claims 3,26,46,67 NyKanen-Chen disclosed wherein the signaling channel of the telecommunications network comprises a Short Message Service (NyKanen, col. 2, lines 21-31).

5. As per claims 4,27,47,68 NyKanen-Chen disclosed wherein the transmitting step comprises the step of transmitting the command to a management agent process executing on the wireless device (NyKanen , col. 5, lines 55-61).

6. As per claims 5,28,48,69 NyKanen-Chen disclosed wherein the transmitting step comprises the step of: transmitting the command to a management agent process executing on the wireless device in a Short Message Service message (NyKanen, col. 5, lines 55-61).

7. As per claims 6,29,49,70 NyKanen-Chen disclosed wherein the transmitting step comprises the step of transmitting the command to a management agent process executing on the wireless device (NyKanen, col. 3, lines 12-22).

8. As per claims 7,30,50,71 NyKanen-Chen disclosed wherein the communicative connection is established periodically (NyKanen, col. 3, lines 12-22).

9. As per claims 8,31,51,72 NyKanen-Chen disclosed wherein the communicative connection is established based on a threshold condition (Chen, Page. 6, Paragraph. 0085).

10. As per claims 9,32,52,73 NyKanen-Chen disclosed wherein the command comprises at least one of enabling/disabling access of the wireless device to the server;enabling/disabling applications that may run on the wireless device (Chen, Page. 14, Paragraph. 203); erasing all or

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part of contents of the wireless device; transmitting new commands and parameters to the wireless device; querying a current state of the wireless device (NyKanen, col. 2, lines 55-65); monitoring a level of a battery in the wireless device; monitoring a location of the wireless device in the wireless network; and reconfiguring applications that may run on the wireless device (Chen, Page. 16, Paragraph. 0235).

11. As per claims 10,33,53,74 NyKanen-Chen disclosed further comprising the step of transmitting information relating to execution of the command at the wireless device from the wireless device to the server (NyKanen, col. 5, lines 55-61).

12. As per claims 11,34,54,75 NyKanen-Chen disclosed wherein the information relating to execution of the command is transmitted periodically (NyKanen, col. 5, lines 55-61).

13. As per claims 12,55,76 NyKanen-Chen disclosed wherein the information relating to execution of the command is transmitted based on a threshold condition of the wireless device (Chen, Page. 6, Paragraph. 0085).

14. As per claims 13,35,56,77 NyKanen-Chen disclosed wherein the transmitting step comprises the step of transmitting registration information relating to the wireless device from the wireless device to the server; verifying the registration information at the server (Chen, Page. 3, Paragraph. 0054); establishing a DCB for the wireless device at the server; placing a command for the wireless device in the DCB; and delivering the command from the DCB to the wireless device (NyKanen, col.5, lines 49-61).

15. As per claims 14,36,57,78 NyKanen-Chen disclosed wherein the delivering step comprises the steps of establishing a connection between the wireless device and the server; transmitting a request for contents of the DCB from the wireless device to the server; and transmitting the contents of the: DCB from the server to the wireless device (NyKanen, col.5, lines 49-61).

16. As per claims 15,37,58,79 NyKanen-Chen disclosed wherein the connection is established periodically (NyKanen, col. 5, lines 55-61).

17. As per claims 16,38,59,80 NyKanen-Chen disclosed wherein the connection is established based on a threshold condition (Chen, Page. 6, Paragraph. 0085).

18. As per claims 17,39,60,81 NyKanen-Chen disclosed wherein the delivering step comprises the steps of: establishing a connection between the wireless device and the server; transmitting the contents of the DCB from the server to the wireless device without a request from the wireless device; and accepting the contents of the DCB at the wireless device (NyKanen, col.5, lines 49-61).

19. As per claims 18,40,61,82 NyKanen-Chen disclosed wherein the connection is established periodically (NyKanen, col. 5, lines 55-61).

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20. As per claims 19,41,62,83 NyKanen-Chen disclosed wherein the connection is established based on a threshold condition (Chen, Page. 6, Paragraph. 0085).

21. As per claims 20,42,63,84 NyKanen-Chen disclosed wherein the command comprises one of enabling/disabling access of the wireless device to the server; enabling/disabling applications that may run on the wireless device (Chen, Page. 14, Paragraph. 203); erasing all or part of contents of the wireless device; transmitting new commands and parameters to the wireless device; querying a current state of the wireless device (NyKanen, col. 2, lines 55-65); monitoring a level of a battery in the wireless device; monitoring a location of the wireless device in the wireless network; and reconfiguring applications that -may run on the wireless device (Chen, Page. 16, Paragraph. 0235).

22. As per claims 21,43,64,85 NyKanen-Chen disclosed further comprising the step of transmitting information relating to execution of the command at the wireless device from the wireless device to the server (NyKanen, col. 5, lines 55-61).

23. As per claims 22 NyKanen-Chen disclosed wherein the information relating to execution of the command is transmitted periodically (NyKanen, col. 5, lines 55-61).

24. As per claim 23 NyKanen-Chen disclosed wherein the information relating to execution of the command is transmitted based on a threshold condition of the wireless device (Chen, Page. 6, Paragraph. 0085).



*Response to Arguments*

25. Applicant's arguments filed 11/28/2006 have been fully considered but they are not persuasive. Applicant's arguments are as follows.

A. Applicant argued that the applicant unable to locate the subject matter in the Chen's application and the other before it.

As to applicant's requirement examiner request the applicant to clearly point the subject that was not disclosed in Chen.

B. Applicant argued that prior art did not disclose, "Periodic connection between the server and the wireless device for the purpose of sending commands and does not refer to the issue of multiple access in wireless networks".

As to applicants argument examiner beliefs that Applicant is interpreting the claims broadly giving the benefit that applicant has a periodic connection between the server and the wireless device for the purpose of sending commands and does not refer to the issue of multiple access in

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wireless networks. One ordinary skill in the art at the time of the invention knows that all the wireless devices periodically keeping updating their data as in the case of the prior art of Chen et al.

C. Applicant argued that Chen did not disclose in detail teach, “securing the communication to the device”.

As to applicants argument Chen disclosed, “The broadband communications access device with security features included a gateway interface, wired interface, wireless interface and security interface for providing secured wired and wireless broadband communication services (Page. 1, Paragraph. 0008).

D. Applicant argued that Subject matter of Chen that is initiated by the Examiner as being relevant to the present applicant is the security module 109 and its constitute components. No disclosure of this subject matter appears in the parent application of Chen, US Patent Application No. 09773,103, or in the provisional applications of Chen claims the benefit.

As to applicants’ argument Examiner review subject matter and wasn’t persuade that the subject matter being used to reject the subject matter in the claims was not part of the provisional application. Also to applicant’s argument the provisional application talked about DSL and DSLAM required routing protocol to go through routers. Where router uses the software that contained security features to communicate securely.

***Conclusion***

26. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

27. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

AM

Adnan Mirza  
Examiner

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER